

23  
February 22, 2007

FEB 23 2007

Building and Fire Code Board of Appeal  
c/o Leon Barba  
Director  
Watershed Protection and Development Review  
City of Austin  
505 Barton Springs Road, 12th Floor  
Austin, TX 78704

To the Building and Fire Code Board of Appeal:

Pursuant to Section 25-11-93 of the Land Development Code, I am filing this notice of appeal as an interested party to appeal the improper approval and issuance of a building permit relating to the proposed development at 2104 Stamford Lane. Building plan application no. BP-06-1284R (Permit #07004698) was administratively approved on February 5, 2007 and was issued on February 12, 2007.

The following information is provided in compliance with Section 25-1-182 of the Land Development Code for a Notice of Appeal. This notice of appeal has been submitted prior to the 20th day after the February 5, 2007 administrative decision.

**(1) The name, address, and telephone number of the appellant is:**

Michael Rocco Cannatti  
2100 Stamford Lane  
Austin, Texas 78703

**(2) The name of the applicant, if the appellant is not the applicant, is:**

Unclear. The original applicant was Donald J. Neuhauser, who was identified as the original owner listed on the application filed Feb. 9, 2006. However, upon information and belief, the property was sold to a new owner, Leon Owens, in January, 2007. Because the sale occurred while the application was still pending, and the LDC does not allow an application for a building permit to transfer with ownership of the land, there is no applicant with legal standing.

**(3/4) The decisions and dates being appealed are:**

**Decision 1 – Approving Expired Application.** The approval of the application for building permit no. BP-06-1284R which, by law, was a denied application that had expired without proper extension. The application was administratively approved on February 5, 2007.

**Decision 2 – Approving and Issuing A Building Permit That Does Not Comply With The Requirements of the City Code In Effect Before the so-called “McMansion” Ordinance.** The approval and issuance of building permit no. 07004698 (application no. BP-06-1284R) which that does not meet the requirements of the City Code or the requirements for a completed application, and is now a legally “denied” and “expired” application. The application was administratively approved on February 5, 2007, and the permit was issued on February 12, 2007.

**Decision 3 – Issuing A Building Permit That Does Not Comply With The New Residential Design And Compatibility Standards (the so-called “McMansion” Ordinance).** The issuance of building permit no. BP-06-1284R which fails to comply with the new residential design and compatibility standards (“McMansion Ordinance”) now in effect, since the application no longer has the benefit of the earlier-filed application which has expired. The permit was issued on February 12, 2007.

**Decision 4 – Issuing A Building Permit That Had Already Expired.** The issuance of building permit no. 07004698 which, by law, was a denied application that had already expired for a second time without proper extension. The permit was issued on February 12, 2007.

**Decision 5 – Approving and Issuing A Building Permit To An Entity That No Longer Owns the Property Where the LDC Does Not Provide For the Transfer of Applications.** The building permit application was filed with the authorization of owner Donald Neuhauser. The issuance of the building permit was given to the new owner, Leon E. Owens, who, on information and belief, purchased the property in January 2007. The application was administratively approved on February 5, 2007, and the permit was issued on February 12, 2007.

**Decision 6 – Approving and Issuing A Demolition Permit, Relocation Permit, and Building Permit Where the Interim and Final Residential Design And Compatibility Standards Require Concurrent Submittal of These Permits.** The demolition, relocation, and building permits for the property were submitted on separate dates, when they should have been submitted concurrently. The application was administratively approved on February 5, 2007, and the permit was issued on February 12, 2007.

**(5) A description of the appellant's status as an interested party:**

Pursuant to Section 25-1-181 of the Land Development Code, Michael Rocco Cannatti has standing to appeal, having been designated as an interested party for the proposed development at 2104 Stamford Lane as required by Section 25-1-131 of the LDC in a letter dated Oct. 6, 2006. See, Exhibit A.

Section 25-11-93 of the LDC provides standing for an interested party to appeal a decision of the building official to grant or deny a permit under Chapter 25-11, Division 3 to the Building and Fire Code Board of Appeal.

**(6) The reasons the appellant believes the decisions do not comply with the requirements of this title are listed below.**

**Decision 1 – Approving Expired Application.** A timeline of events is also provided in Exhibit B.

- Feb. 9, 2006: Building permit application no. BP-06-1284R was filed with the City. See Exhibit C.
- Feb. 10, 2006: The Interim Residential Design And Compatibility Standards take effect.
- Feb. 23, 2006: The building permit application was denied.
- Aug. 9, 2006: The 181st day after building permit application no. BP-06-1284R was filed. **Application expires first time.**
- Aug. 23, 2006: A 180 day extension request was submitted to the City and granted by the City for building permit application no. BP-06-1284R in violation of LDC § 25-1-88 and Int'l Residential Building Code R105.3.2. (This request was submitted and approved 195 days after the permit was filed. According to the building permit application, the application “will expire on the 181st day after the date that the application is filed if the application is not approved and an extension is not granted. If the application expires, a new submittal will be required.”)
- Feb. 5, 2007: On new update deadline (which is 360 days after building permit application no. BP-06-1284R was filed), building permit application no. BP-06-1284R was approved administratively by the building official. See Exhibit D.
- Feb. 12, 2007: Building permit was issued.

Building permit application no. BP-06-1284 expired without proper extension on Aug. 9, 2006, which is 180 days after the application was filed. In submitting the application, the applicant signed a statement that “I agree that this application will expire on the 181st day after the date that the application is filed if the application is not approved and an extension is not granted.” The actions of granting a 180 day extension on Aug. 23, 2006 and providing an approved permit on Feb. 5, 2007 do not comply with the provisions of the Land Development Code.

**Decision 2 – Approving and Issuing A Building Permit That Does Not Comply With The Requirements of the City Code In Effect Before the so-called “McMansion” Ordinance.** As explained below, the application for a building permit BP-06-1284 did not comply with the City Code requirements or the established application requirements on the February 5, 2007 update deadline. These deficiencies relate to the City Code requirements in effect now and before the so-called McMansion ordinance took effect. By the clear and express requirements of Section 25-1-63 of the LDC, an application that does not comply with the City Code requirements on the update deadline must be “denied.”

In particular, building permit application no. BP-06-1284R, approved by the City, has the following deficiencies:

- **Missing Plot Plan Dimensions:** The first deficiency is that the plot plan does not show the dimensions for the proposed structure, as is required with building permit applications. The originally-submitted application identified the overall length and width of the proposed structure, but did not provide dimensional information for each exterior wall, as shown in the City’s example plot plan. See, Exhibit E. The initial rejection of the application stated in the rejection notes, “Need dimensions on Plot Plan.” However, the finally approved plot plan adds no dimension information for the structure. Since the original plot plan was deficient in failing to show the structural dimensions, then the finally approved plot plan is also deficient. Because the application on the update deadline did not comply with the requirement to disclose structural dimension information in the plot plan, the City Code requires that the application be “denied.” LDC § 25-1-63(A) (“An application does not comply with the requirement of the City Code on the update deadline is denied.”).
- **Missing Plot Plan Tree Dimensions:** The second deficiency is that the plot plan does not show that the protected 19-inch diameter trees on

the lot, as is required with building permit applications. In particular, the published “Requirements for Residential Permits” states that “the plot plan must show dimensions of all the following ... Trees with trunks larger than 19” in diameter.” Neither the originally submitted plot plan nor the finally approved plot plan shows that there are three protected trees on the lot with diameters larger than 19 inches that will likely be destroyed by the new construction. **Indeed, one of the protected trees is located completely within the slab, and another is located within and immediately adjacent to the slab.** Because the application on the update deadline did not comply with the requirement to disclose protected trees in the plot plan, the City Code requires that the application be “denied.” LDC § 25-1-63(A) (“An application does not comply with the requirement of the City Code on the update deadline is denied.”).

- **No Tree Ordinance Review and Approval:** The third deficiency is that the applicant failed to obtain a Tree Ordinance Review and receive approval to proceed, as is required with building permit applications where there are 19-inch diameter trees on the lot. In particular, the applicant’s signed application states that “I also understand that if there are any trees greater than 19 inches in diameter located on the property and immediately adjacent to the proposed construction, I am to schedule a Tree Ordinance review ... and receive approval to proceed.” There is no indication that such a Tree Ordinance Review was scheduled, or that any approval to proceed was obtained. Because the application on the update deadline did not comply with the Tree Ordinance review and approval requirement, the City Code requires that the application be “denied.” LDC § 25-1-63(A) (“An application does not comply with the requirement of the City Code on the update deadline is denied.”).
- **Impervious Cover Violation:** The fourth deficiency is that the application’s calculation of total impervious coverage fails to take into account at least 46.165 sq. ft. of impervious cover from a ground floor privacy wall which is shown in the plot plan. See, Exhibit D, p. 5 (“6’ STUCCO WALL” on plot plan). This wall takes the project over the 45% impervious cover limit. When the privacy wall impervious cover (46.165 sq. ft.) is added to the total impervious cover listed on the approved application (4359 sq. ft., shown at Exhibit D, p. 2), the *actual* total impervious cover =  $(4359 + 46.165) / 9735 = 45.25\%$ . Because the actual impervious cover for the project exceeds the 45%

limit, the City Code requires that the application be denied. LDC § 25-1-63(A) (“An application does not comply with the requirement of the City Code on the update deadline is denied.”).

- **Plot Plan Does Not Match Building Plan:** The fifth deficiency is that the application’s plot plan did match the originally submitted floor plan, as is required with building permit applications. For example, the overall length and width measurements for the proposed structure in the original floor plans and plot plans do not match. In the published “Requirements for Residential Permits,” it states that “The plot plan and floor plan must match.”

For at least these reasons, the application for building permit no. BP-06-1284 must be “denied” because the applicant failed to submit an application that complies with the City Code requirements regarding impervious cover limits before the update deadline expired. LDC § 25-1-63. In addition, there were other deficiencies in failing to meet the specifically requested information (regarding plot plan dimensions and tree protection) by the update deadline. Any decision to approve the “denied” application for building permit no. BP-06-1284 was contrary to the applicable law and regulations set forth in LDC § 25-1-63, as well as the requirements for approving residential permit applications relating to plot plan dimensions, protected trees and impervious cover.

**Decision 3 – Issuing A Building Permit That Does Not Comply With The New Residential Design And Compatibility Standards (the so-called “McMansion” Ordinance).** Since building permit application no. BP-06-1284R expired on Aug. 9, 2006 without a proper extension request, the Feb. 12, 2007 issuance of building permit no. BP-06-1284R should not have occurred and the application should have been required to resubmit as a new application. LDC § 25-1-63(B). The new application should be required to comply with the new residential design and compatibility standards (“McMansion Ordinance”) now in effect.

In addition to the above deficiencies, building permit application no. BP-06-1284R, approved by the City, has a number of general deficiencies and deficiencies with the current residential design and compatibility standards.

- **FAR Limit Violated:** The first deficiency is that the proposed construction calls for 5,965 sq. ft. of total building coverage on a 9,735 sq. ft. lot, resulting in an FAR of at least .56:1 that violates the .4 FAR limit from the “McMansion” ordinance.

- **Building Height Limit Violated:** The second deficiency is that the proposed construction calls for a building height of 34.16 ft, which violates the 32 foot height limit now in place.
- **Building Envelope and Sidewall Articulation Violation:** The third and fourth deficiencies are that it appears from the plans that the proposed development will also violate the building envelope requirement and the sidewall articulation requirement from the “McMansion” ordinance.

For at least these reasons, the issued permit no longer has the benefit of the earlier-filed application which is now “denied,” having expired twice without timely extension. This means that the issued building permit fails to comply with the new residential design and compatibility standards (the so-called “McMansion” ordinance) now in effect since the application no longer has the benefit of the earlier-filed application. Accordingly, the decision to issue permit no. 07004698 (based on the application for building permit no. BP-06-1284) was contrary to the applicable law and regulations set forth in LDC § 25-1-63, LDC § 25-1-88 and 2000 International Residential Building Code, R105.3.2, as well as the requirements of the “McMansion” ordinance relating to FAR limits, height limits, building envelope requirements and sidewall articulation requirements.

#### **Decision 4 – Issuing A Building Permit That Had Already Expired.**

Even if the first expiration (described above) is disregarded and an additional 180 day extension is assumed, the new update deadline is Feb. 5, 2007, which is 360 days after the application filing date. The applicable City Code provisions are quite clear that the application must be “issued” or “pursued in good faith” before the Feb. 5, 2007 update deadline to avoid expiration. LDC § 25-1-63, LDC § 25-1-88 and 2000 International Residential Building Code, R105.3.2 (adopted by City of Austin) (“An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the filing date, unless such application has been pursued in good faith or a permit has been issued.”). The Official Commentary to the IRBC R105.3.2 states that:

“Applications for permits are considered valid for 180 days. The permit application and review process must be done in a timely manner within that period. **The applicant must be responsive to requests for additional information made by the building department.** The 180-day limitation is not intended to penalize an applicant for the lack of action on the part of the jurisdiction. It is

**merely a measure that is used to void an application when it is no longer reasonable to keep it active because the applicant is delaying the process and is not responding to legitimate requests for information.”**

2000 International Residential Building Code Commentary, R105.3.2.

Under the controlling building code regulations, the application expired on the new update deadline (Feb. 5, 2007) because it had not issued or been pursued in good faith.

There can be no dispute that the permit had not been issued at the time of the update deadline since the permit did not “issue” until Feb. 12, 2007 -- after the Feb. 5, 2007 update deadline. Thus, the permit issued too late to prevent the application from expiring.

There are a number of indications that the applicant has not pursued the application in “good faith”:

- By filing the application one day before the Interim Residential Design And Compatibility Standards took effect, the *bona fides* of the application are already suspect. With the filing, the applicant sought to beat the new ordinance by slipping in with a proposal to build a massive and inappropriate house on a residential street by replacing a 1365 sq. ft. house with a new house now totaling 5965 sq. ft. of total building area. The fact that the application included a blatant rear setback violation only reinforces the concerns.
- Applicant’s failure to respond to the building official’s requests for additional information during the initial 180 day period further shows that the application was not pursued in good faith.
- Applicant’s untimely request for an extension on Aug. 23, 2006 after application had already expired two weeks earlier (on Aug. 9, 2006) further shows that the application was not pursued in good faith, especially when the applicant signed a statement that “I agree that this application will expire on the 181st day after the date that the application is filed if the application is not approved and an extension is not granted.”
- Instead of pursuing the application “in good faith,” the applicant instead marketed the property for sale as being approved “pre-McMansion.” In particular, the 2104 Stamford property was listed for sale in October, 2006, and during a telephone call to applicant’s realtor in October, 2006, the property was being marketed as a



property that could be fixed or torn down for a new home that was pre-approved before McMansion Ordinance took effect.

- Nor is “good faith” shown by the fact that applicant increased the square footage of the house in the final application over what was described in the original application. In particular, the originally-filed application described a 5,365 sq.ft. building area, but in the final application, 600 additional square feet were added to the plan. Since the original application already called for a *massive*, 3-story, setback-to-setback structure, the attempt to add 600 square feet looks more like greed than good faith.
- By waiting until the very end of the (improperly) extended application period to submit additional information that was requested in February, 2006 (last year) and then rushing the building official to approve the application, the applicant *delayed* the process and did not respond to legitimate requests for information. It is important to note that the delay was not caused by the building official, so the applicant is not being penalized for lack of action the City.

Under the controlling building code regulations, the application expired on the Feb. 5, 2007 update deadline because, at that time, no permit had issued and the application had not been pursued in good faith. The delay and lack of good faith action by applicant should not be rewarded by the approval and issuance of a building permit in violation of City Code requirements. Accordingly, the decision to issue permit no. 07004698 (based on the application for building permit no. BP-06-1284) was contrary to the applicable law and regulations set forth in LDC § 25-1-63, LDC § 25-1-88 and 2000 International Residential Building Code, R105.3.2.

**Decision 5 – Approving and Issuing A Building Permit To An Entity That No Longer Owns the Property Where the LDC Does Not Provide For the Transfer of Applications.**

- Feb. 9, 2006: Building permit application no. BP-06-1284R was filed by Alta Vista Custom Homes for property owner Donald Neuhauser.
- Jan. 2007: Property sold to Leon Owens while application still pending.
- Feb. 12, 2007: Building permit was issued to Central Texas Custom Homes for property owner Leon Owens.

The application for building permit no. BP-06-1284 was filed in the name of Donald Neuhauser. Upon information and belief, Donald Neuhauser was not the owner of the property at 2104 Stamford Lane at the time the building permit was issued. On information and belief, the property was sold to a new owner, Leon E. Owens, in January 2007. See, Exhibit F (email introduction announcing new owner).

While Section 25-1-64 of the Land Development Code allows for the transfer of “a permit or approval authorizing a particular use of a land or structure” when the land or structure transfers ownership, there is no provision in the LDC for transfer of an application for a permit or approval. The LDC clearly and repeatedly differentiates between an “application” and a “permit,” so the different treatment should not be ignored.

For the foregoing reasons, the approval and issuance of building permit no. BP-06-1284R is contrary to the applicable law and regulations set forth in the Land Development Code, since the property was sold while the building permit application was pending, and the LDC does not provide for transfer of applications with ownership of land. As a result, the permit was improperly issued to an entity that no longer owns the property.

**Decision 6 – Approving and Issuing A Demolition Permit, Relocation Permit, and Building Permit Where the Interim and Final Residential Design And Compatibility Standards Require Concurrent Submittal of These Permits.** The demolition, relocation, and building permits for the property were submitted on separate dates.

Feb. 9, 2006: Building permit application no. BP-06-1284R was filed with the City. At this time, no demolition permit was filed.

Feb. 10, 2006: The Interim Residential Design And Compatibility Standards take effect, which require that any application for a demolition permit be filed concurrently with a building permit application that complies with the FAR limit requirements of the Interim Residential Design And Compatibility Standards.

March 23, 2006: Relocation permit application no. BP-06-2977RR was filed with the City without a compliant building permit application.

June 29, 2006: Demolition permit application no. BP-06-6523RD was filed with the City without a compliant building permit application.

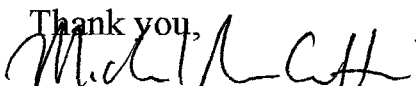
Under the interim rules in effect at the time that the relocation and demolition permit applications were filed, (Ordinance No. 20060309-058), Part 3(A) required that a demo permit application "must be filed concurrently with an application for a permit described in Subsection (2) or (3)." These subsections require that a building permit application comply with the size limits of the interim rules. For the foregoing reasons, the approval and issuance of relocation permit application no. BP-06-2977RR and demolition permit application no. BP-06-6523RD are contrary to the applicable law and regulations set forth in the Land Development Code.

### Conclusion

As explained above, the application for a building permit BP-06-1284 did not comply with the City Code requirements or the established application requirements on the February 5, 2007 update deadline. The non-compliance related to City Code requirements for applications relating to impervious cover, plot plan information and tree protection rules, as well as the new Residential Design And Compatibility Standards. Any one of the deficiencies requires that the application be denied. By the clear and express requirements of the LDC, such an application is a "denied" and "expired" application that may not be updated.

Having shown that decisions being appealed are contrary to the applicable law and regulations, appellant requests that this Board reverse the decisions or otherwise modify the decisions to state that the application is now "denied" and expired. LDC §§ 25-1-190, 192. Applicant's unexcused delay and failure to submit an application meeting the requirements of the City Code should not be rewarded by the approval and issuance of a building permit.

Thank you,



Michael Rocco Cannatti

2100 Stamford Lane

Austin, Texas 78703

338-9100 (work) and 472-3199 (home)

[mike@hamiltonterrible.com](mailto:mike@hamiltonterrible.com)

cc: Joi Harden

To the Director of the Watershed Protection and Development Review Department:

Pursuant to Section 25-1-131 of the Land Development Code, I am writing to request that I be designated an "interested party" concerning any public hearings, administrative decisions or variances related to the proposed development at 2104 Stamford Lane. My contact information is set forth below, and if at all possible, please communicate with me using my email address.

I qualify as a party having an interest in matters concerning 2104 Stamford because I am an occupant of a primary residence and as a record owner of property within 500 feet of the property at 2104 Stamford Lane.

To this end, I am writing to communicate an interest in any and all demolition, remodel or new construction activity proposed for the site at 2104 Stamford, including but not limited to any building permit application, demolition permit application, variance or rezoning request, **and including specifically any extensions to any building permits/applications that are on file, currently or hereafter.** Issues of concern include, but are not limited to, concerns about impervious cover, front/side/rear setback intrusions, height limits, private deed restrictions, improper removal of protected trees, subdivision requirements, variance requests, duplex requirements, qualification for any waiver under the Interim Development regulations, grandfathering under the City's Residential Design and Compatibility Standards and compliance with the Interim Development Regulations and/or the Residential Design and Compatibility Standards.

Thank you,

  
Michael Rocco Cannatti

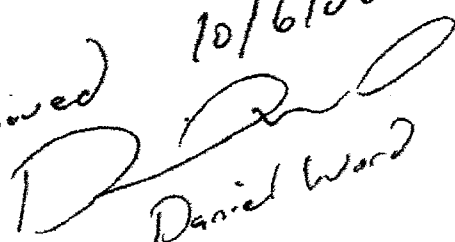
2100 and 2102 Stamford Lane

Austin, Texas 78703

338-9100 (work) and 472-3199 (home)

[mike@hamiltonterre.com](mailto:mike@hamiltonterre.com)

cc: Joi Harden

Received 10/6/06  
  
Daniel Ward

## 2104 Stamford – Timeline of *Twice* Expired and Invalid Application for Building Permit

**2/9/2006**

First Owner (Neuhauser) files application for Building Permit for 2104 Stamford one day before Interim Development Regulations take effect.

Applicant signs statement saying "I agree that this application will expire on the 181<sup>st</sup> day after the date that the application is filed if the application is not approved and an extension is not granted."

**8/23/2006**  
Applicant submits untimely request for extension after application expires

**10/30/2006**  
Neuhauser (owner) markets 2104 Stamford for sale as being approved pre-McMansion Ordinance

**2/5/2007**  
Application "approved" but does not comply with City Code requirements

**2/12/2007**  
Building Permit No. 07004698 Issued (After Second Expiration)

**2/23/2006**  
Application reviewed and rejected

**8/9/2006**  
Application **EXPIRES** on 181<sup>st</sup> Day After Application Filing Date (per Applicant's signed statement).  
See Int'l Residential Code R105.3.2 (2000).

2104 Stamford sold to new owner in January 2007 -- Application for Permit **Does NOT Transfer** with Ownership.  
See LDC § 25-1-64.

**2/5/2007**  
Application **EXPIRES A SECOND TIME** on 360th day after filing date since permit not "issued" or "pursued in good faith."  
See Int'l Residential Code R105.3.2.

219 12:15 PM

BP Number BP-06-1284

Building Permit No. \_\_\_\_\_

Plat No. \_\_\_\_\_ Date 2/23/06

Reviewer QJH

**CITY OF AUSTIN**  
**RESIDENTIAL PERMIT APPLICATION**

**PRIMARY PROJECT DATA**

Service Address 2104 STANFORD LANE Tax Parcel No. 116047

Legal Description  
Lot 5 Block 18 Subdivision WESTFIELD Section A Phase \_\_\_\_\_

If in a Planned Unit Development, provide Name and Case No. \_\_\_\_\_  
(attach final approved copies of subdivision and site plan)

If this site is not a legally subdivided lot, you must contact the Development Assistance Center for a Land Status Determination.

Description of Work  
☒ New Residence  
☐ Duplex  
☒ Garage ☒ attached ☐ detached  
☐ Carport ☒ attached ☐ detached  
☐ Pool  
Remodel (specify) \_\_\_\_\_  
Addition (specify) \_\_\_\_\_  
Other (specify) \_\_\_\_\_

Zoning (e.g. SF-1, SF-2...) SF-3 Height of building 34.16 ft. # of floors 3

On lots with LA zoning, the approved septic permit must be submitted with the Residential Permit application for zoning approval.  
{LDC 25-2-551(B)(6)}

Does this site have a Board of Adjustment ruling? \_\_\_ Yes ☒ No If yes, attach the B.O.A. documentation

Will this development require a cut and fill in excess of 4 feet? \_\_\_ Yes ☒ No

Does this site front a paved street? ☒ Yes \_\_\_ No A paved alley? \_\_\_ Yes ☒ No

**VALUATIONS FOR  
REMODELS ONLY**

**DATA FOR NEW CONSTRUCTION  
OR ADDITIONS ONLY**

**PERMIT FEES  
(For office use only)**

Building \$ \_\_\_\_\_  
Electrical \$ \_\_\_\_\_  
Mechanical \$ \_\_\_\_\_  
Plumbing \$ \_\_\_\_\_  
Driveway  
& Sidewalk \$ \_\_\_\_\_  
TOTAL \$ \_\_\_\_\_  
(labor and materials)

Lot Size 9735 sq. ft.  
Job Valuation \$ 498,000  
(Labor and materials)  
Total Job Valuation (remodels and additions)  
\$ \_\_\_\_\_  
(Labor and materials)

	NEW/ADDITIONS	REMODELS
Building	\$ <u>403.00</u>	\$ _____
Electrical	\$ <u>214.00</u>	\$ _____
Mechanical	\$ <u>154.00</u>	\$ _____
Plumbing	\$ <u>159.00</u>	\$ _____
Driveway & Sidewalk	\$ _____	\$ _____
TOTAL	\$ _____	\$ _____

**OWNER / BUILDER INFORMATION**

OWNER	Name <u>DONALD J. NEUHAUSER</u>	Telephone (h) <u>512-377-7149</u> (w) _____
BUILDER	Company Name <u>ALTA VISTA CUSTOM HOMES, INC.</u>	Telephone <u>512-748-4068</u>
	Contact/Applicant's Name <u>BRANDON SHIMER</u>	Pager _____ FAX <u>512-407-8348</u>
DRIVEWAY /SIDEWALK	Contractor <u>ANCHOR CONCRETE, INC.</u>	Telephone <u>512-266-1630</u>
CERTIFICATE OF OCCUPANCY	Name <u>BRANDON SHIMER</u>	Telephone <u>512-748-4068</u>
	Address <u>1810 W. 36TH STREET</u>	City <u>AUSTIN</u> ST <u>TX</u> ZIP <u>78751</u>

If you would like to be notified when your application is approved, please select the method:

telephone ☒ e-mail: bshimer@altavistacustoms.com

You may check the status of this application at [www.ci.austin.tx.us/development/pierivr.htm](http://www.ci.austin.tx.us/development/pierivr.htm)

Service Address 2104 STAMFORD LANE

Applicant's Signature

Brandon Lee SkumDate 2/8/06**BUILDING COVERAGE**

The area of a lot covered by buildings or roofed areas, but not including (i) incidental projecting eaves and similar features, or (ii) ground level paving, landscaping, or open recreational facilities.

	Existing	New / Addition
a. 1 <sup>st</sup> floor conditioned area	sq.ft.	1668 sq.ft.
b. 2 <sup>nd</sup> floor conditioned area	sq.ft.	1689 sq.ft.
c. 3 <sup>rd</sup> floor conditioned area	sq.ft.	826 sq.ft.
d. Basement	sq.ft.	— sq.ft.
e. Garage / Carport		
<input checked="" type="checkbox"/> attached	sq.ft.	635 sq.ft.
detached	sq.ft.	— sq.ft.
f. Wood decks [must be counted at 100%]	sq.ft.	— sq.ft.
g. Breezeways	sq.ft.	— sq.ft.
h. Covered patios	sq.ft.	262 sq.ft.
i. Covered porches	sq.ft.	285 sq.ft.
j. Balconies	sq.ft.	— sq.ft.
k. Swimming pool(s) [pool surface area(s)]	sq.ft.	— sq.ft.
l. Other building or covered area(s)	sq.ft.	— sq.ft.
Specify _____		

**TOTAL BUILDING AREA** (add a. through l.) \_\_\_\_\_ sq.ft. 5365 sq.ft.

**TOTAL BUILDING COVERAGE ON LOT** (subtract b., c., d., and k. if applicable) 2588 sq.ft.  
24.5 % of lot

**IMPERVIOUS COVERAGE**

Include building cover and sidewalks, driveways, uncovered patios, decks, air conditioning equipment pad, and other improvements in calculating impervious cover. Roof overhangs which do not exceed two feet or which are used for solar screening are not included in building coverage or impervious coverage. All water must drain away from buildings on this site and buildings on adjacent lots.

a. Total building coverage on lot (see above)	2588	sq.ft.
b. Driveway area on private property	1702	sq.ft.
c. Sidewalk / walkways on private property	—	sq.ft.
d. Uncovered patios	—	sq.ft.
e. Uncovered wood decks [may be counted at 50%]	—	sq.ft.
f. Air conditioner pads	48	sq.ft.
g. Concrete decks	—	sq.ft.
h. Other (specify) _____	—	sq.ft.

**TOTAL IMPERVIOUS COVERAGE** (add a. through h.) 4338 sq.ft.  
44.6 % of lot

# CITY OF AUSTIN

## RESIDENTIAL PERMIT APPLICATION

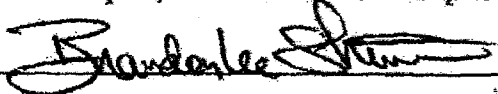
I understand that in accordance with Sections 25-1-411 and 25-11-66 of the Land Development Code (LDC), non-compliance with the LDC may be cause for the Building Official to suspend or revoke a permit and/or license. I understand that I am responsible for complying with any subdivision notes, deed restrictions, restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions (i.e., height, access, screening, etc.) on this property. If a conflict should result with any of these restrictions, it will be my responsibility to resolve it. I understand that, if requested, I must provide copies of all subdivision plat notes, deed restrictions, restrictive covenants, and/or zoning conditional overlay information that may apply to this property.

I acknowledge that this project qualifies for the Site Plan Exemption as listed in Section 25-5-2 of the LDC.

I also understand that if there are any trees greater than 19 inches in diameter located on the property and immediately adjacent to the proposed construction, I am to schedule a Tree Ordinance review by contacting (512) 974-1876 and receive approval to proceed.

I agree that this application will expire on the 181st day after the date that the application is filed if the application is not approved and an extension is not granted. If the application expires, a new submittal will be required.

APPLICANT'S SIGNATURE



DATE

2/8/06

HOME BUILDER'S STATE REGISTRATION NUMBER (required for all new construction)

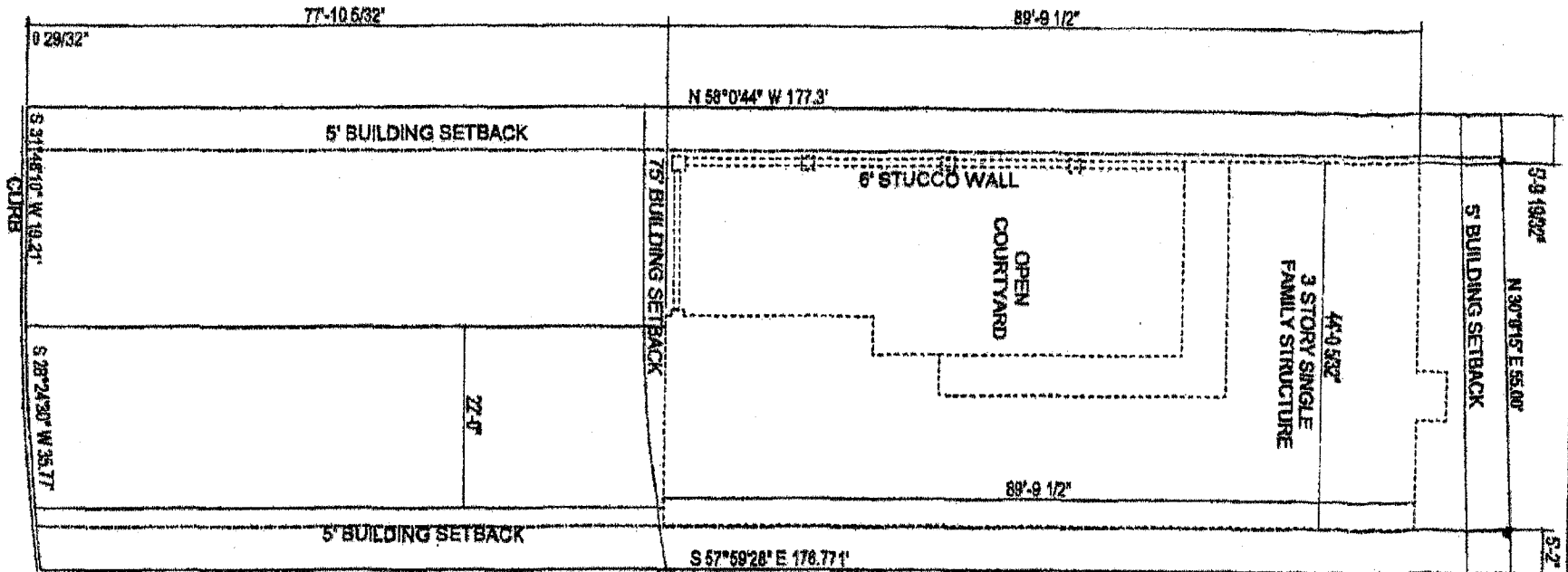
27290

### Rejection Notes/Additional Comments (for office use only):

- Permit # 8419639 Demo for Garage Only, Need Demo Permit for house
- Need LSD
- Need Dimensions on Plat Plan
- Need 10 ft rear setback



SCALE 1"=20'-0"



AREAS	
TOTAL LOT	9735
TOTAL SLAB	2598
DRIVEWAY	1702
A/C PADS	48
% IMP. COVERAGE	44.6%

4183-B  
NEUHAUSER RESIDENCE

2104 STAMFORD LANE  
AUSTIN, TX 78703

WESTFIELD SUBDIVISION  
SECTION A, BLOCK 18, LOT 5

ALTA VISTA CUSTOM HOMES, INC.  
AUSTIN, TEXAS

CITY OF AUSTIN  
RESIDENTIAL PERMIT APPLICATION

219 12-15 PM  
BP Number BP-06-1284  
Building Permit No. \_\_\_\_\_  
Plat No. \_\_\_\_\_ Date 2/23/06  
Reviewer gjh

PRIMARY PROJECT DATA

Service Address 2104 STANFORD LAKE Tax Parcel No. 116047  
Legal Description  
Lot 5 Block 18 Subdivision WESTFIELD Section A Phase \_\_\_\_\_  
If in a Planned Unit Development, provide Name and Case No.  
(attach final approved copies of subdivision and site plan)  
If this site is not a legally subdivided lot, you must contact the Development Assistance Center for a Land Status Determination.  
Description of Work  
☒ New Residence \_\_\_\_\_ Remodel (specify) \_\_\_\_\_  
☐ Duplex \_\_\_\_\_ Addition (specify) \_\_\_\_\_  
☒ Garage ☒ attached ☐ detached \_\_\_\_\_  
☐ Carport ☒ attached ☐ detached \_\_\_\_\_  
☐ Pool \_\_\_\_\_ Other (specify) \_\_\_\_\_  
Zoning (e.g. SF-1, SF-2, etc.) SF-3 Height of building 34.16 ft. # of floors 3  
On lots with LA zoning, the approved septic permit must be submitted with the Residential Permit application for zoning approval.  
(LDC 25-2-551(B)(6))  
Does this site have a Board of Adjustment ruling? Yes ☐ No ☒ If yes, attach the B.O.A. documentation  
Will this development require a cut and fill in excess of 4 feet? Yes ☐ No ☒  
Does this site front a paved street? ☒ Yes ☐ No A paved alley? Yes ☐ No ☒

VALUATIONS FOR  
REMODELS ONLY

Building \$ \_\_\_\_\_  
Electrical \$ \_\_\_\_\_  
Mechanical \$ \_\_\_\_\_  
Plumbing \$ \_\_\_\_\_  
Driveway \$ \_\_\_\_\_  
Sidewalk \$ \_\_\_\_\_  
TOTAL \$ \_\_\_\_\_  
(labor and materials)

DATA FOR NEW CONSTRUCTION  
OR ADDITIONS ONLY

Lot Size 9735 sq. ft.  
Job Valuation \$ 498,000  
(Labor and materials)  
Total Job Valuation (remodels and additions)  
\$ \_\_\_\_\_  
(Labor and materials)

PERMIT FEES  
(For office use only)

	NEW/ADDITIONS	REMODELS
Building	\$ <u>403.00</u>	\$ _____
Electrical	\$ <u>214.00</u>	\$ _____
Mechanical	\$ <u>154.00</u>	\$ _____
Plumbing	\$ <u>159.00</u>	\$ _____
Driveway	\$ _____	\$ _____
& Sidewalk	\$ _____	\$ _____
TOTAL	\$ _____	\$ _____

OWNER / BUILDER INFORMATION

OWNER	Name <u>DONALD J. NEUHAUSER</u>	Telephone (h) <u>512-377-7149</u> (w) _____
OWNER	Company Name <u>ALTA VISTA CUSTOM HOMES, INC.</u>	Telephone <u>512-748-4068</u>
	Contact/Applicant's Name <u>BRANDON SHIMER</u>	Pager _____ FAX <u>512-407-8348</u>
OWNER	Contractor <u>ANCHOR CONCRETE, INC.</u>	Telephone <u>512-266-1630</u>
OWNER	Name <u>BRANDON SHIMER</u>	Telephone <u>512-748-4068</u>
OWNER	Address <u>1810 W. 36TH STREET</u>	City <u>AUSTIN</u> ST <u>TX</u> ZIP <u>78731</u>

I would like to be notified when your application is approved, please select the method:

telephone ☐ e-mail: bshimer@altavistacustoms.com

You may check the status of this application at [www.ci.austin.tx.us/development/pierivr.htm](http://www.ci.austin.tx.us/development/pierivr.htm)

Exhibit D - "Approved" Building Permit

Service Address 2104 STAMFORD LANEApplicant's Signature Brandon Lee SteinDate 2/8/06**BUILDING COVERAGE**

The area of a lot covered by buildings or roofed areas, but not including (i) incidental projecting eaves and similar features, or (ii) ground level paving, landscaping, or open recreational facilities.

	Existing	New / Addition
✓ a. 1 <sup>st</sup> floor conditioned area	sq.ft.	1668 sq.ft.
b. 2 <sup>nd</sup> floor conditioned area <i>600 sq ft of 2nd flr is directly over garage</i>	sq.ft.	1689 2289 sq.ft.
c. 3 <sup>rd</sup> floor conditioned area	sq.ft.	826 sq.ft.
d. Basement	sq.ft.	— sq.ft.
✓ e. Garage / Carport		
✓ attached	sq.ft.	635 sq.ft.
detached	sq.ft.	— sq.ft.
f. Wood decks [must be counted at 100%]	sq.ft.	— sq.ft.
g. Breezeways	sq.ft.	— sq.ft.
h. Covered patios <i>2nd flr</i>	sq.ft.	262 sq.ft.
✓ i. Covered porches	sq.ft.	285 sq.ft.
j. Balconies	sq.ft.	— sq.ft.
k. Swimming pool(s) [pool surface area(s)]	sq.ft.	— sq.ft.
l. Other building or covered area(s)	sq.ft.	— sq.ft.
Specify _____		

**TOTAL BUILDING AREA** (add a. through l.) 5965 sq.ft.

**TOTAL BUILDING COVERAGE ON LOT** (subtract b., c., d., and k. if applicable)

2568 2609 sq.ft.  
24.5 % of lot

**IMPERVIOUS COVERAGE**

include building cover and sidewalks, driveways, uncovered patios, decks, air conditioning equipment pad, and other improvements in calculating impervious cover. Roof overhangs which do not exceed two feet or which are used for solar screening are not included in building coverage or impervious coverage. All water must drain away from buildings on this site and buildings on adjacent lots.

a. Total building coverage on lot (see above)	<u>2568</u> <u>2609</u> sq.ft.
b. Driveway area on private property	<u>1762</u> sq.ft.
c. Sidewalk / walkways on private property	— sq.ft.
d. Uncovered patios	— sq.ft.
e. Uncovered wood decks [may be counted at 50%]	— sq.ft.
f. Air conditioner pads	<u>48</u> sq.ft.
g. Concrete decks	— sq.ft.
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4338 4359 sq.ft.  
44.6 % of lot

CITY OF AUSTIN

RESIDENTIAL PERMIT APPLICATION

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APPLICANT'S SIGNATURE

*Brandon Lee*

DATE

2/8/06

HOME BUILDER'S STATE REGISTRATION NUMBER (required for all new construction)

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City of Austin  
Watershed Protections & Development Review

LAND STATUS DETERMINATION  
1987 RULE PLATTING EXCEPTION

01/26/2007

File Number: C8I-07-0025

Address: 2104 STAMFORD LN

Tax Parcel ID: 0116060511

Map Date: 01/15/2004

The Watershed Protections & Development Review has determined that this parcel, as described in the attached description and map, **IS EXCEPTED FROM THE REQUIREMENT TO PLAT** in accordance with the Land Development Code, Section 25-4-2(C), and is eligible to receive utility service.

The parcel of land consists of five acres or less, and is described as being the South 55 feet of the North 110 feet of Lot 5, Block 18, Westfield A Subdivision in the current deed, recorded on 08/09/2005, in Document #2005145826, Travis County Deed Records. This parcel existed in its current configuration on January 1, 1995, as evidenced by a deed recorded on 05/16/1988, in Volume 1100, Page 86959, Travis County Deed Records. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on January 1, 1995, as evidenced by water service on 11/18/1947. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

Additional Notes/Conditions:  
NONE

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: 

SARA GROVES

Director (or representative)

Watershed Protections & Development Review



# PLOT PLAN

1212 E. BRAKER  
AUSTIN, TEXAS 78753

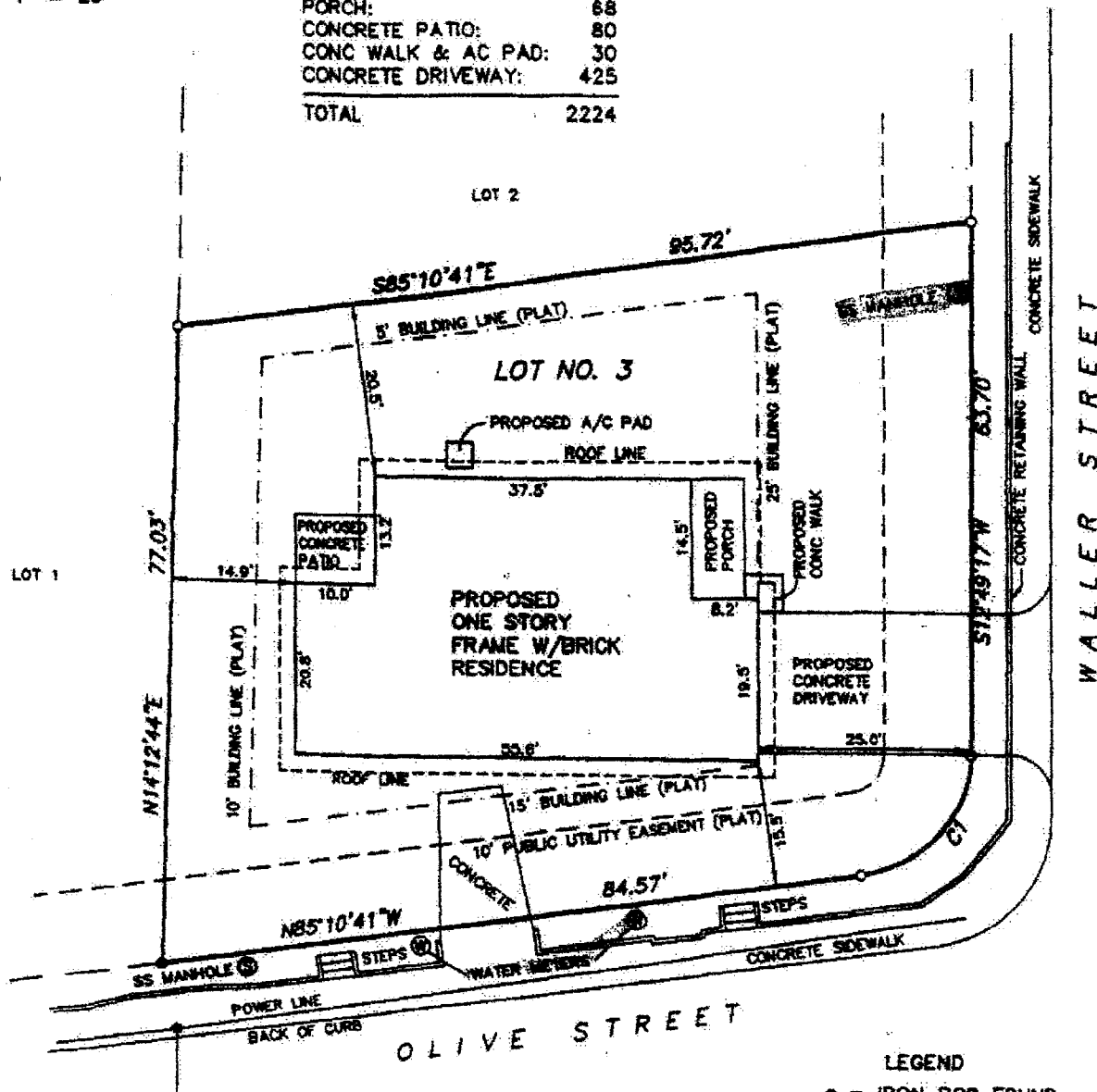
## EXAMPLE

TOTAL LOT AREA: 7311 SQ. FT.

IMPERVIOUS COVER:

LIVING AREA:	1228
GARAGE:	393
PORCH:	68
CONCRETE PATIO:	80
CONC WALK & AC PAD:	30
CONCRETE DRIVEWAY:	425
<b>TOTAL</b>	<b>2224</b>

SCALE  
1" = 20'



### LEGEND

- = IRON ROD FOUND
- = IRON ROD SET
- = POWER POLE

# EXAMPLE (DO NOT THROW AWAY)

### CURVE DATA

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	15.00'	21.47'	13.04'	19.68'	S53°49'18"W	82°00'02"

NOTE:  
NO STORM SEWER CURB INLETS  
AFFECT THIS LOT.

ADDRESS: \_\_\_\_\_



**Michael R. Cannatti**

**From:** Kenneth Saffell [ken@prideofaustin.com]  
**To:** Michael R. Cannatti  
**Attachments:**  
**CC:**  
**Subject:** 2104 Stamford Lane  
**A**

**Sent:** Mon 2/5/2007 10:49 AM

Michael,

Allow me to introduce myself, I'm Ken Saffell the project development manager for Leon Owens who is the new owner of 2104 Stamford LA. I would like to offer any help or assistance that I can to you so you may understand what we are building on your street. Rest assured we are working with the city as per their ordinances and will not be asking for a single variance to build this home. Feel free to contact me by email or phone and if need be I can sit down with you or the concerned group and have a nice Q&A.

Sincerely,

Ken,

Kenneth A. Saffell

---

PRIDE OF AUSTIN, INC

611 Bissonet La. Austin TX 78752

Office 512/302.3918 [ken@prideofaustin.com](mailto:ken@prideofaustin.com)

Fax 512/458.9589 Mobile 512/745.9540

[www.prideofaustin.com](http://www.prideofaustin.com)